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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

NEW ENGLAND MOTOR FREIGHT, INC., et. al.¹

Debtors.

Chapter 11

Case No. 19-12809-JKS

**CERTIFICATION OF MATTHEW S. CROSBY, ESQ., IN
FURTHER SUPPORT OF CREDITORS' MOTION FOR AN
ORDER GRANTING RELIEF FROM THE AUTOMATIC
STAY**

MATTHEW S. CROSBY, ESQ., being of full age, hereby certifies as follows:

1. I am an attorney with Handler, Henning & Rosenberg, LLC, and represent Creditors Romulo Hernandez ("Mr. Hernandez") and Maria E. Hernandez ("Mrs. Hernandez") (collectively, the "Creditors") in the underlying litigation pending in the Court of Common Pleas of York County, Pennsylvania.

2. As such, I am fully familiar with the facts and circumstances set forth herein.

3. I submit this certification in further support of *Creditors' Motion for an Order Granting Relief from the Automatic Stay* (the "Motion").

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor's taxpayer identification number as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

4. On March 21, 2008, at approximately 12:45 p.m., Creditors were passengers in a 2005 Mercury Mountaineer (the “Vehicle”) driven by their daughter Cindy Hernandez (the “Driver”), traveling southbound in the left lane on Interstate 85 in Spartanburg, South Carolina.

5. On March 21, 2008, at or about the same time, Jason Perkins (“Perkins”) was operating a tractor-trailer (the “Tractor-Trailer”), owned, operated, managed, leased and/or controlled by, amongst others, NEMF and EFW (collectively, the “Debtors”), travelling southbound in the right lane on Interstate 85 parallel to the Creditor’s vehicle.

6. At all relevant times hereto, Perkins was acting as the agent, servant, borrowed servant, workman and/or employee of NEMF.

7. Suddenly and without warning, Perkins began merging into the left lane and was negligent, careless, and reckless in his operation of the vehicle, including but not limited to, failing to keep alert and a reasonable lookout for vehicles so as to avoid a collision with the Vehicle.

8. Due to Perkins’ negligent maneuver into the left lane, the Driver attempted to avoid a collision, and as a result, lost control of the vehicle, struck the Tractor Trailer, and began rolling before leaving the roadway (the “Collision”).

9. Due to the Collision, Mr. Hernandez was ejected from the Vehicle resulting in catastrophic injuries.

10. Due to the Collision, Mrs. Hernandez sustained injuries as she remained in the Vehicle as it rolled. Attached hereto as **Exhibit A** is a true and accurate copy of the Police Report from the collision.

11. On June 2, 2010, Creditors filed an action in Pennsylvania court against the Debtors for respondent superior/negligence and loss of consortium. Attached hereto as **Exhibit B** is a true and accurate copy of the Complaint.

12. Creditors are married and therefore each hold a spousal claim for loss of consortium.

13. NEMF's Self Insured Retention ("SIR") obligation of \$500,000 was exhausted when they resolved the cases of the three minor grandkids. Once that was exhausted the Traveler's policy of \$5 million kicked in. Essentially, the deductible was reached with the kids' settlements and now we are into the liability insurance policy.

14. On May 21, 2019, the Creditors attended a mediation with the defendants in the Pennsylvania Action. Counsel for defendants, Jason Joseph Perkins, New England Motor Freight, Inc. and Cindy Hernandez, executed a Memorandum of Settlement (the "Settlement"). A copy of the Settlement is attached as **Exhibit C**. Creditors did not file a proof of claim as they understood the matter to be settled. To date, Kevin Canavan, Esq., counsel for NEMF, has not provided Creditors' counsel with Settlement Release Agreements to finalize settlements.

Pursuant to 11 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 7, 2022

/s/ Matthew S. Crosby
MATTHEW S. CROSBY

EXHIBIT A

ORIGINAL

D.P.S. USE ONLY				SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM				Unit #		Amended - Attach Copy of Original Report		Notified		Arrived	
08031808				TR-310 (Rev. 01/2001)				2		1301		1536			
Date	Time	County	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Collision Location (Rt. # / Name)			0- Main 2- Alternate 5- Spur	6- Connection 7- Business 8- Other	Mileage	Dir. (N, S, E, W)	Near City or Town of:			
03-2-2008	1245	42	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	85			0- Main 2- Alternate 5- Spur	6- Connection 7- Business 8- Other	4.0	NE SW	Spartanburg			
Lane # / Dir.	Distance	Direction	Base Intersection (Rt. # / Name)		From		Second Intersection (Rt. # / Name)		Toward		Latitude		Longitude		
2 / 0 6 / NE SW	1	NE SW	26		129		34° 58' 43.0"		82° 00' 37.00"						
R.R. Id.	From	Ramp Only	To	1- Interstate 2- US Primary 3- SC Primary		4- Secondary 5- County 6- Other		0- Main 2- Alternate 5- Spur		6- Connection 7- Business 8- Other					
N/A	NE SW	1- Entrance 2- Exit	NE SW	1- Interstate 2- US Primary 3- SC Primary		4- Secondary 5- County 6- Other		0- Main 2- Alternate 5- Spur		6- Connection 7- Business 8- Other					
X-812377 Driver/Pedestrian's Full Name				X-812378 Driver/Pedestrian's Full Name											
Cindy Tatiana Hernandez				Jason Joseph Perkins											
Unit #	Sex	Race	Street	City, State, & Zip		State		Driver's License #	Insurance Company						
1	F	H	108 Kings Arms AT	Waterford York Pa 17402		Pa		08-11-1985	State Farm						
Year	Body	Vehicle Make	VIN #	State		Year	Body	Vehicle Make	VIN #	State		Year	Body	Vehicle Make	VIN #
03	S	Mercedes	4M2ZU86W53U500253	Pa		06	TR	Oldsmobile	4V4MC96H66N424078	Pa		06	TR	Oldsmobile	4V4MC96H66N424078
State	Year	License Plate #	Owner's D.L. #	State		Year	License Plate #	Owner's D.L. #	State		Year	License Plate #	Owner's D.L. #	State	
Pa	08	DHE9962	N/A	Pa		08	AKG59N	N/A	Pa		08	AKG59N	N/A	Pa	
Home Telephone				Home Telephone				Home Telephone							
(717) 542-7104				(717) 385-6545				(717) 385-6545							
Bus. Telephone				Bus. Telephone				Bus. Telephone							
() N/A				() N/A				() N/A							
Contributed To Collision				Contributed To Collision				Contributed To Collision							
Yes				Yes				Yes							
City, State, & Zip				City, State, & Zip				City, State, & Zip							
Waterford York Pa 17402				Elizabeth NJ 07201											
Estimated Speed	Speed Limit	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Dry Info (see back): Yes (No)	Estimated Speed	Speed Limit	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Dry Info (see back): Yes (No)	Estimated Speed	Speed Limit	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Dry Info (see back): Yes (No)	
70	65	Yes	Yes	Yes	65	65	Yes	Yes	Yes	65	65	Yes	Yes	Yes	
X-812379 Driver/Pedestrian's Full Name				X-812379 Driver/Pedestrian's Full Name											
nk				nk											
Unit #	Sex	Race	Street	City, State, & Zip		State		Driver's License #	Insurance Company						
nk															
Year	Body	Vehicle Make	VIN #	State		Year	Body	Vehicle Make	VIN #	State		Year	Body	Vehicle Make	VIN #
Dir. of Travel:				Dir. of Travel:				Dir. of Travel:							
Unit 1: N (S) E W				Unit 2: N (S) E W				Unit 3: N (S) E W							
Unit 1 Dam.				Unit 2 Dam.				Unit 3 Dam.				Prop. Dam. 1			
\$12000				\$1000				\$N/A				\$N/A			
Property Owner/Witness				Property Owner/Witness				Property Owner/Witness							
Sultan June 1				Sultan June 1				Sultan June 1							
Address				Address				Address							
2045 Beech Blvd ST				2045 Beech Blvd ST				2045 Beech Blvd ST							
State Zip				State Zip				State Zip							
NC 28075				NC 28075				NC 28075							
Phone				Phone				Phone							
(909) 213-7763				(909) 213-7763				(909) 213-7763							
Photo: Describe What Happened (Refer to Units by Number)				Photo: Describe What Happened (Refer to Units by Number)				Photo: Describe What Happened (Refer to Units by Number)							
Unit 1 and unit 2 were south bound				Unit 1 and unit 2 were south bound				Unit 1 and unit 2 were south bound							
on I-85. Unit 1 lost control of the				on I-85. Unit 1 lost control of the				on I-85. Unit 1 lost control of the							
vehicle hitting unit 2 and then				vehicle hitting unit 2 and then				vehicle hitting unit 2 and then							
overturned. See back of page 2				overturned. See back of page 2				overturned. See back of page 2							
for unit 2 info				for unit 2 info				for unit 2 info							
MAR 27 2008				MAR 27 2008				MAR 27 2008							
NOTICE: THE TRAFFIC COLLISION REPORTING PURPOSES ONLY AND IS NOT A GUARANTEE OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION. NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.				NOTICE: THE TRAFFIC COLLISION REPORTING PURPOSES ONLY AND IS NOT A GUARANTEE OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION. NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.				NOTICE: THE TRAFFIC COLLISION REPORTING PURPOSES ONLY AND IS NOT A GUARANTEE OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION. NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.							
Investigating Officer's Name				Investigating Officer's Name				Investigating Officer's Name							
Owens R. K.				Owens R. K.				Owens R. K.							
Rank				Rank				Rank							
1st Lt				1st Lt				1st Lt							
Badge #				Badge #				Badge #							
1103				1103				1103							
Date				Date				Date							
03-27-2008				03-27-2008				03-27-2008							
Reviewer's Name				Reviewer's Name				Reviewer's Name							
Kishor J.				Kishor J.				Kishor J.							
Signature				Signature				Signature							
[Signature]				[Signature]				[Signature]							
Internal Phone #				Internal Phone #				Internal Phone #							
01234567				01234567				01234567							

Unit	Date of Birth	Sex	Race	INJ	Seat	R/SD	Altitude	Eject	LAI	Tran	Name	Street Address	Zip Code
1	05-14-1935	E	LL	2	01	13	3	1	3	1	Widely T. Hernandez	100 Kings Ave AT Waterford	17402
1	08-28-1937	F	H	2	03	13	7	1	7	1	Martin Hernandez	100 Kings Ave AT Waterford	17402
1	12-04-1953	M	H	2	04	13	2	1	3	1	Romulo Hernandez	100 Kings Ave AT Waterford	17402
1	1-31-2000	M	H	2	06	21	5	1	3	1	Daniel Guadalupe	100 Kings Ave AT Waterford	17402
1	6-6-2000	M	H	2	07	13	3	1	3	1	Nicholas Torres	100 Kings Ave AT Waterford	17402
1	12-4-2000	M	H	2	07	13	3	1	3	1	Natalie Torres	100 Kings Ave AT Waterford	17402
1	1-1-1998	M	H	3	08	13	3	1	3	1	Christian Torres	100 Kings Ave AT Waterford	17402
1	9-12-1994	M	H	3	09	13	3	1	3	1	Kavin Torres	100 Kings Ave AT Waterford	17402

Race		W - Caucasian		a) Injury Status		Seating Loc.		20. Pedestrian		80. Sleeper of Cab		Restraint/Safety Device	
1. African American	H - Hispanic	O - Other	U - Unk.	0 - Not Injured	3 - Incapacitating	01 02 03	40 - Bus or Van (4th row or Higher)	80 - Lap	00 - None Used	21 - Child			
2. Asian/Pacific Islander				1 - Possible	4 - Fatal	04 05 06	50 - Other Enclosed Area (nontrading)	99 - Unk. N/A	11 - Shoulder Belt Only	Safety Seat			
3. Alaskan Native or American Indian				2 - Motorcycle Only		07 08 09	51 - Other Unenclosed Area (nontrading)		12 - Lap Belt Only	88 - Other			

Air Bag Deployment / Switch		Ejection		Head Injury: 1-Yes 2-No		Location After Impact		3 - Freed (non-mech.)		a) Transported to Medical Facility		Pedestrian, Motor/Pedalcycle Only	
1 - Deployed Front 4 - Not Deployed	1 - Not Ejected	2 - Part Ejected	1 - Not Trapped	2 - Extricated (Mechanical Means)	3 - Unknown	1 - Yes	2 - No	3 - Unknown	1 - Yes	2 - No	3 - Unknown	31 - Helmet	51 - Reflective Clothing
2 - Deployed Side 7 - Not Applicable	2 - Tot. Ejected	3 - Tot. Ejected	2 - Not App.	3 - Unk.		1 - Switch in On Position 3 - No Switch	2 - Switch in Off Position 3 - Unknown		b) By:	1 - EMS	2 - Police	8 - Other	9 - Unk.
3 - Deployed Both 9 - Deployment Unk.												41 - Protective Pads	51 - Lighting

Non-Collision		44 - Equipment Failure		Collision Not Fixed		27 - Pedestrian		Collision Fixed Object		47 - Embankment		55 - Mail Box		88 - Other	
01 - Cargo/Equip Loss or Shift	05 - Fire/Explosion 08 - Overturn/Rollover	20 - Animal (Deer Only)	28 - Highway Veh.	40 - Bridge Overhead Structure	48 - Equipment	55 - Median Barrier	88 - Unk.								
02 - Cross Median/Center Line	06 - Inversion 09 - Run off Road Left	21 - Animal (All Other)	29 - Motor Veh. (in Transport)	41 - Bridge Pier/Abutment	49 - Fence	57 - Overhead Sign Support									
03 - Downhill Runaway	07 - Jackknife 10 - Run off Road Right	22 - Motor Veh. (Stopped)	30 - Motor Veh. (Other Roadway)	42 - Bridge Pier or Abutment	50 - Guardrail End	58 - Other (Post, Pole, Support, Etc.)									
04 - Equipment Failure	11 - Separation of Units	23 - Motor Veh. (Other Roadway)	31 - Motor Veh. (Other Roadway)	43 - Bridge Pier or Abutment	51 - Guardrail Face	59 - Other (Wall, Building, Tunnel, Etc.)									
05 - Fire/Explosion 08 - Overturn/Rollover	12 - Spill (Non-Washed Veh.)	24 - Motor Veh. (Other Roadway)	32 - Motor Veh. (Other Roadway)	44 - Culvert	52 - Highway Traffic Sign Post	60 - Tree									
06 - Inversion 09 - Run off Road Left	13 - Other Non-collision	25 - Motor Veh. (Other Roadway)	33 - Motor Veh. (Other Roadway)	45 - Cub	53 - Impact Attenuator/Crash Cushion	61 - Utility Pole									
07 - Jackknife 10 - Run off Road Right	14 - Non-collision	26 - Pedalcycle	34 - Pedalcycle	46 - Ditch	54 - Light/Luminaire Support	62 - Work Zone Maint. Equipment									

Manner of Collision (Struck Veh.)		30 - Rear-to-Rear		50 - Sideswipe Same Dir.		1st / Most Deformed Area		1st Deformed		Most Deformed	
00 - Not Coll. W/ Motor Veh.	41 - Angle (A) (A)	50 - Sideswipe Opposite Dir.	60 - Backed Into								
10 - Rear End	42 - Angle (A) (A)	70 - Backed Into	99 - Unknown								
20 - Head On	43 - Angle (A) (A)										

Vehicle Type:		15 - Full Size Van		27 - Pedalcycle		61 - School Bus		Alcohol / Drug Test Given		Special Use Only	
01 - Automobile	16 - Mini Van	38 - Animal Drawn Veh.	62 - Passenger Bus	01 - Given - Known Results	4 - None						
12 - Pickup Truck	17 - Sport Utility	39 - Animal (Ridden)	99 - Other	2 - Given - Unusable	5 - Refused						
13 - Truck Tractor	25 - Motorcycle	41 - Pedestrian	99 - Unk. (Hit and Run Only)	3 - Unk.							
14 - Other Truck	28 - Other Motorbike	51 - Train		1 - Under - Compartment Intrusion	Under/Override						
				2 - Under - No Intrusion	4 - Over - MV in Transport	6 - None					
				3 - Under - Unknown	5 - Over - Other Vehicle	9 - Unk.					

Vehicle Use Code		04 - Ambulance		08 - Farm Use		12 - Fire Fighting		Test Type		Extent of Deformity	
01 - Personal	05 - Military	09 - Wrecker or Tow	13 - Logging	01 - Breath (Alc Only)	4 - Serum	1 - Under - Minor	2 - Functional Damage	4 - Severe/Totaled	9 - Unk.		
02 - Driver Training	06 - Transport Passengers	10 - Police	15 - Other	2 - Blood	8 - Other	3 - Disabling Damage	5 - Not Applicable				
03 - Construction/Maint.	07 - Transport Property	11 - Government	41 - Pedestrian								

Vehicle Attachment		4 - Utility Trailer		8 - Towed Motor Vehicle		C - Other Tanker		Drug Results		3 - Marijuana		0 - None/Minor		Extent of Deformity	
1 - None	5 - Farm Trailer	9 - Petroleum Tanker	D - Flat Bed	01 - Amphetamines	4 - Opiates	0 - None/Minor	2 - Functional Damage	4 - Severe/Totaled	9 - Unk.						
2 - Mobile Home	6 - Trailer w/Boat	A - Lowboy Trailer	E - Twin Trailers	02 - Cocaine	5 - PCP	8 - Other	3 - Disabling Damage	5 - Not Applicable							
3 - Semi-Trailer	7 - Camper Trailer	B - Autocamper Trailer	F - Other												

Action Prior to Impact (Vehicle)		(Non-motorist)		A1 -		A2 -		A3 -		1 - Straight - Level		3 - Straight - Hillcrest		5 - Curve - On Grade		Road Character	
01 - Backing	08 - Parked	21 - Approaching/Leaving Vehicle	22 - Entering/Crossing Location	1 - One	3 - Median	5 - Roadway	7 - Shoulder	8 - Outside Trafficway	1 - Straight - Level	3 - Straight - Hillcrest	5 - Curve - On Grade	7 - Curve - Hillcrest	8 - Curve - Hillcrest	9 - Unk.			
02 - Changing Lanes	09 - Slowing or	23 - Playing/Working on Vehicle	24 - Pushing Vehicle	2 - Island	4 - Roadside	6 - Shoulder	8 - Outside Trafficway	1 - Dry	3 - Snow	5 - Ice	7 - Water (Standing, etc.)	8 - Other	9 - Unk.				
03 - Entering Traffic Lane	10 - Stopped in Traffic	25 - Standing	26 - Waiting, Playing, Cycling					2 - Wet	3 - Slush	5 - Contaminants	7 - Other	8 - Other	9 - Unk.				
04 - Leaving Traffic Lane	11 - Turning Left	27 - Working															
05 - Making U-turn	12 - Turning Right																
06 - Movement Essentially Straight Ahead	13 - Other																
07 - Overtaking/Passing	14 - Other																

Weather Condition		3 - Cloudy		6 - Fog, Smog, Smoke		02 - Flashing Traffic Signal		22 - Oncoming Emergency Vehicle		11 - RR (X-bucks, Lights & Gates)		31 - Pavement Markings (only)		43 - Yield Sign		51 - Flashing Beacon	
1 - Clear (no adverse conditions)	4 - Steel, Hail	7 - Blowing Sand	8 - Severe Crosswinds														
2 - Rain	5 - Snow	9 - Blowing Sand, Oil, Dirt or Snow	9 - Unk.														

Light Condition		3 - Dusk		6 - Dark (Street Lamp Not Lit)		11 - RR (X-bucks, Lights & Gates)		31 - Pavement Markings (only)		43 - Yield Sign		51 - Flashing Beacon	
1 - Daylight	4 - Dark (Lighting Unspecified)	7 - Dark (No lights)											
2 - Dawn	5 - Dark (Street Lamp Lit)												

Junction Type		03 - Fire/More Points		07 - Shared Use Paths or Trail		12 - Y-Intersection		1 - Yes, Directly		2 - Yes, Indirectly		3 - No		9 - Unk.		School Bus Involved:	
01 - Crossover	04 - Four-way Intersection	08 - T-Intersection	13 - Nonjunction														
02 - Onramp	05 - Railway Grade Crossing	09 - Traffic Circle	99 - Unk.														

Primary Contributing Factors		09 - Made an Improper Turn		Roadway		Non-Motorist		Environmental		Obstruction	
01 - Disregarded Signs, Signals, Etc.	12 - Aggressive Operation of Vehicle	30 - Debris	48 - Other	50 - Inattentive	80 - Animal in Road	63 - Weather Cond.					
02 - Distracted/Inattention	13 - Over-correcting/Over-steering	31 - Non-highway Work	49 - Unk.	51 - Lying &/or Illegally in Roadway	61 - Glass	68 - Other					
03 - Driving Too Fast for Conditions	14 - Swerving to Avoiding Object	32 - Obstruction in Roadway		52 - Failure to Yield R. of W.							
04 - Exceeded Authorized Speed Limit	15 - Wrong Side or Wrong Way	33 - Road Surface Condition (i.e., Wet)		53 - Not Visible (Dark Clothing)							
05 - Failed to Yield Right of Way	16 - Under the Influence	34 - Rut, Holes, Bumps		54 - Disregard Signs, Signals, Etc.							
06 - Ran off Road	17 - Vision Obscured (Within Unit)	35 - Shoulders (None, Low, Soft, High)		55 - Improper Crossing							
07 - Fatigued/Asleep	18 - Improper Lane Usage/Change	36 - Traffic Control Device (i.e., Missing)		56 - Darling							
08 - Followed Too Closely	28 - Other Improper Action	37 - Work Zone (Constr./Maint./Utility)		57 - Wrong Side of Road							
		38 - Worn, Travel-Polished Surface		58 - Under the Influence							
				59 - Other Person Under Influence							

D.P.S. USE ONLY						SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM (Rev. 01/2001)								Amended - Attach Copy of Original Report		Notified		Arrived		
08031608						2/2				Unins		Contacted		1301		1334				
Date	Time	County	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary		Collision Location (Rt. # / Name) ON 85		Base Intersection (Rt. # / Name) 6-Main 6-Connection 2-Alternate 7-Business 5-Spur		Miles:	Dir.	In / Near City or Town of: SAFETY									
Lane # / Dir.	Distance Offset	Direction	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- Other		Base Intersection (Rt. # / Name)		0-Main 6-Connection 2-Alternate 7-Business 5-Spur 9-Other		ASRU code		MP/Grid									
R.R. Id.	From	Ramp Only	To	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- Other		Second Intersection (Rt. # / Name)		0-Main 6-Connection 2-Alternate 7-Business 5-Spur 9-Other		Latitude		Longitude								
X-812385	Driver/Pedestrian's Full Name					X-812384					Driver/Pedestrian's Full Name									
Unit #	Sex	Race	Street		City, State, & Zip		Birth Date		City, State, & Zip		State		Driver's License #		Insurance Company:					
Year	Body	Vehicle Make	VIN #		State		Year		Body		Vehicle Make		VIN #		State		Year			
License Plate #	Owner's D.L. #		Home Telephone		Owner's Full Name		Bus. Telephone		Street		Contributed To Collision		Yes No		City, State, & Zip					
Estimated Speed	Speed Limit	C.D.L. Req: Yes No	T/B S Reg: Yes No	Alc/Drg Info (see back): Yes No		Estimated Speed		Speed Limit	C.D.L. Req: Yes No	T/B S Reg: Yes No	Alc/Drg Info (see back): Yes No		Code Towed By							
X-812385	Driver/Pedestrian's Full Name					State Year License Plate # Owner's D.L. #					Home Telephone					Owner's Full Name				
Unit #	Sex	Race	Street		City, State, & Zip		Birth Date		City, State, & Zip		State		Driver's License #		Insurance Company:					
Year	Body	Vehicle Make	VIN #		Contributed To Collision		Yes No		City, State, & Zip		Estimated Speed		Speed Limit	C.D.L. Req: Yes No	T/B S Reg: Yes No	Alc/Drg Info (see back): Yes No				
Dir. of Travel: Unit 1: N S E W Unit 2: N S E W Unit 3: N S E W						Unit 1 Dam.		Unit 2 Dam.		Unit 3 Dam.		Prop. Dam. 1		Prop. Dam. 2						
See Page 2						\$		\$		\$		\$		\$						
						Property Owner/Witness						Property Owner/Witness								
						Address						Address								
						State		Zip		Phone		State		Zip		Phone				
						Photo: Describe What Happened (Refer to Units by Number)														
						Y N														
NOTICE: THE TRUTH IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION DETAILS. NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.																				
Investigating Officer's Name		Rank		Badges #		Code		Date		Reviewing Agency		Rank		Internal Agency Code						
Owens R.K		T.p		106		HPS		3-21-08		Lester J.G.		J.H		02379						

Unit	Date of Birth	Sex	Race	INJ	Seat	R/S/D	Abil	Eject	LAI	Trans	Name	Street	Address	Zip Code																																																																																																																																																																																																																																																						
2	8/16/1971	M	W	0	01	13	7R	1	2																																																																																																																																																																																																																																																											
2	2-4-1971	F	L	0	01	13	7R	1	2																																																																																																																																																																																																																																																											
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ORIGINAL

D.P.S. USE ONLY

08031808

South Carolina
Uniform Traffic Collision Report
(For Investigating Officers)
Supplemental Bus & Truck Collision Report

Attach Copy of Original

Corrected

Page 3 of 3 Pages

Date	Time	County	Route Category		Collision Location	Auxiliary	
3-22-08	1245	42	1-Interstate 2-US Primary 3-SC Primary	4-Secondary 5-County	(Route Number and Name if Any) 85	1-Mainline 2-Alternate 3-Spur	4-Connection 5-Business
SCREENING INFORMATION					Access Control		
NUMBER OF QUALIFYING VEHICLES INVOLVED					1- No Access Control 2- Full Access Control 3- Partial Access Control		
A Truck Having a GVWR of 10,001 lbs. or More For the Power Unit → 1					2		
OR					Vehicle Information		
A Vehicle with a Hazardous Materials Placard →					Gross Vehicle Weight Rating		
OR					Weight Rating of the Power Unit of the Truck		
A Bus That is Designed or Used to Carry 16 or More Persons, Including the Driver →					01- Less Than or Equal to 10,000 Pounds 02- 10,001-28,000 Pounds 03- More Than 28,000 Pounds 99- Unknown/Hit and Run		
OR					Vehicle Configuration		
A Motor Vehicle Engaged in Interstate Commerce that is Designed or Used to Carry 9-15 Persons, Including the Driver, for Compensation →					00- Passenger Car (only w/ HAZMAT placard) 01- Light Truck (only w/ HAZMAT placard) 02- Bus (seats for 9-15 people) 03- Bus (seats for 16+ people) 04- Single Unit Truck (2 axles/6+ Tires) 05- Single Unit Truck (3 or more axles) 06- Truck w/ Trailer 07- Truck-Tractor Only (Bobtail) 08- Tractor w/ Semi-Trailer 09- Tractor w/ Double Trailers 10- Tractor w/ Triple Trailers 98- Other/Unable to Classify 99- Unknown/Hit and Run		
Number of Persons Involved:					Cargo Body Type		
Sustaining Fatal Injuries →					00- Bus (seats for 9-15 people) 01- Bus (seats for 16+ people) 02- Enclosed Box 03- Cargo Tank 04- Flat Bed 05- Dump 06- Concrete Mixer 07- Auto Transport 08- Garbage/Refuse 09- Grain, Chips, Gravel 10- Pole 11- Intermodal Container 97- Not Applicable 98- Other 99- Unknown/Hit and Run		
Transported for Immediate Medical Services →					02		
Number of Vehicles Towed					Trailer Length and Width		
Towed From the Scene Due to Damage → 1					Length		
Do Not Complete This Form Unless:					Width		
One or More Qualifying Vehicles was Involved - AND					00- No Trailer 01- Less than 480 in. (40 ft) 02- 481 in. - 576 in. (48 ft) 03- 577 in. or more 99- Unknown/Hit and Run		
One or More Qualifying Injuries was Sustained - OR					00- No Trailer 01- Less than 60 in. (5 ft) 02- 61 in. - 84 in. (7 ft) 03- 85 in. or more 99- Unknown/Hit and Run		
One or More Vehicles (not necessarily the truck or bus) Was Towed from the Scene					Hazardous Material Involvement		
Total Number of Supplemental Forms Required for this Collision: 2					Was This Vehicle Carrying Hazardous Materials?		
Unit Number: 2 FR-10 Number: 813378					1- Yes 2- No 3- Unknown/Hit and Run		
Carrier Information					Did the Vehicle Have a Hazardous Material Placard?		
Name: New England Freight Motor Freight Inc.					1- Yes 2- No 3- Unknown/Hit and Run		
Address: 1-71 North Ave					If "Yes", What Class of Hazardous Material (from placard/shipping papers)?		
City: Elizabeth NJ State: NJ Zip: 07201					01- Class 1 (Explosives) 02- Class 2 (Gases) 03- Class 3 (Flammable Liquids) 04- Class 4 (Flammable Solids) 05- Class 5 (Oxidizing Substance) 06- Class 6 (Poison/Infectious Substance) 07- Class 7 (Radioactive) 08- Class 8 (Corrosives) 09- Class 9 (Misc. Goods) 10- No Placard 99- Other/Unknown/Hit and Run		
Business Phone Number: 717 385 6545					If "YES", enter 4 digit HAZMAT ID (from placard/shipping papers)		
Identification Numbers					Was Hazardous Material Released From This Vehicle's Cargo?		
U.S. DOT 00311120 None = 0					1- Yes 2- No 3- Unknown/Hit and Run		
ICC MC 112107 State:					Notification of Release:		
State Number					Investigator's Name: Owens-R.K.		
Was a Citation Issued to this Vehicle? 1- Yes 2- No 3- Pending					Reviewer's Name: Jester-J.J.		
Investigator's Name: Owens-R.K.					Date: 3-22-08		

Mail FR-10 to: SC Department of Motor Vehicles Office of Financial Responsibility (803) 896-5000 PO Box 1498, Blytheville, SC 29016		South Carolina Department of Motor Vehicles (DMV) FR-10 (REV. 10/05) NOTICE OF REQUIREMENT		Submit Electronically: Agents or Company Representatives can submit your Insurance Information at WWW.SC-ALIR.COM				
Date: 03-28-2006	Time: 12:45	County: 47	Interstate: 4-Secondary 2-US-Primary 5-County 3-SC-Primary	Collision Location (Rt. # & Name): 5 85	1- Main Lng 2- Alternate 3- Spur 4- Connection 5- Business 6- Other	Miles: 4.0	Dir: N E S W	Int / Near City or Town of: Spartanburg
To Vehicle Owner/Operator Failure to return this form to the Department of Motor Vehicles within 15 days from the date of the collision could result in the suspension of your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.								
FR10 Audit No. X- 812377			FR10 Audit No. X- 812378					
Driver/Pedestrian's Full Name: Camila Leticia Hernandez			Driver/Pedestrian's Full Name: Jason Joseph Perkins					
Unit #	Sex	Race	Street	Unit #	Sex	Race	Street	
1	M	H	163 Kings Arms AT	2	M	W	8 Kerry Blvd	
Birth Date	City, State, & Zip		Birth Date	City, State, & Zip				
05/24/1965	Waterford York Pa 17402		08/17/1968	New Bloomfield Pa 17068				
State	Driver's License #	Insurance Company	State	Driver's License #	Insurance Company			
Pa	37-580176	State Farm	Pa	105-101-724	Discovery			
Year	Body	Vehicle Make	VIN #	Year	Body	Vehicle Make	VIN #	
06	4	MC	4M2Z08GW53U500253	06	4	VZV	4U4MC96H66N44078	
State	Year	License Plate #	Owner's D.L. #	State	Year	License Plate #	Owner's D.L. #	
Pa	06	1N2876	N/A	NJ	06	AR65KI	N/A	
Home Telephone: (717) 542-7800			Home Telephone: (717) 545-6545					
Owner's Full Name: Lomolo A Hernandez			Owner's Full Name: New England Freight					
Bus. Telephone: ()			Bus. Telephone: (717) 545-5328					
Street: 158 Kings Arms AT			Street: 77 North Ave					
Contributed To Collision: Yes			Contributed To Collision: No					
City, State, & Zip: 10 Waterford York Pa 17402			City, State, & Zip: 17068 NJ 07001					
FR10 Audit No. X- 812379								
Driver/Pedestrian's Full Name:								
Unit #	Sex	Race	Street	Home Telephone	Owner's Full Name			
1	M	H		()				
Birth Date	City, State, & Zip		Bus. Telephone	Street				
			()					
State	Driver's License #	Insurance Company	Contributed To Collision	City, State, & Zip				
			Yes No					
Year	Body	Vehicle Make	VIN #	Automobile liability insurance information for Unit #				
				Company Name				
All this Insurance Information			Discover Property					
POLICE OFFICER'S SIGNATURE			Area Code/Phone Number					
Automobile liability insurance information for Unit #			Agency Name					
Company Name			Policy Number					
Area Code/Phone Number			Emer Group Inc					
Agency Name			10001 A00303					
Policy Number			Automobile liability insurance information for Unit #					
			Company Name					
			Area Code/Phone Number					
			Agency Name					
			Policy Number					
Automobile Liability Insurance Information								
Notice of Requirement Accepted			Signature			Y N Refused to Affix Signature?		
To Be Completed Below			Entered at WWW.SC-ALIR.COM By Insurance Company Representative. This form should not be mailed to DMV if insurance information has been submitted electronically.			Y N Vehicle Subject to Registration in SC?		
Reference to Unit #:			I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.			The information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is implied into the above mentioned insurance as I have listed herein.		
Insurance Company			Policy #			Signature		
Beginning Date			Ending Date			Title		
Policy Holder			NAIC# (Assigned by S.C. Dept. of Ins.)			Bus. Telephone		
Notice: If liability insurance was not in effect for your vehicle involved in the collision, The Department of Motor Vehicles could suspend your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.								
If any of the below are applicable, disregard the above portion.								
Check here if a FR-10, SR-23, Fleet Policy of 25 or more vehicles is on file with the Department of Motor Vehicles covering the vehicle.			Form FR-10 Not Issued: Section 56-10-520					
Check here if a certificate of self-insurance has been issued by the Department of Motor Vehicles covering the vehicle and indicate the certificate number: SI-			No FR-10 Issued to Operator/ Owner of Unit #:					
Check here if liability insurance was not in effect to comply with South Carolina statutory requirements			Summons Issued to:					
Investigating Officer's Name: Owens, R K			For operating or allowing the operation of an uninsured vehicle					
Rank: 111P			Summons Number:					
Badge #: 100			Signature					
Code: 1103			Date					
Date: 03-28-2006			Reviewer's Name					
			Rank					
			Internal Agency Code					
DRIVER / OWNER								

EXHIBIT B

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YORK, PA

Matthew S. Crosby, Esq.
I.D. # 69367
HANDLER, HENNING & ROSENBERG, LLP
1300 Linglestown Road, Suite 2
Harrisburg, PA 17110
Telephone: (717) 238-2000
Fax: (717) 233-3029
E-mail: crosby@hhrlaw.com

Attorneys for Plaintiffs

ROMULO HERNANDEZ and	:	IN THE COURT OF COMMON PLEAS
MARIA E. HERNANDEZ, his wife,	:	YORK COUNTY, PENNSYLVANIA
Plaintiffs	:	
v.	:	NO. 2010 - SU - 001214 - 01
	:	
JASON PERKINS,	:	
NEW ENGLAND MOTOR	:	
FREIGHT, INC., and CINDY	:	CIVIL ACTION - LAW
HERNANDEZ,	:	
Defendants	:	

NOTICE

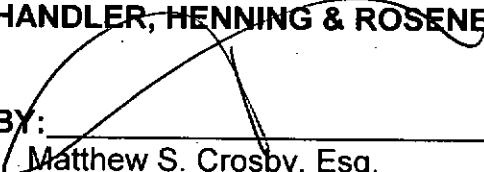
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE OF THE
YORK COUNTY BAR ASSOCIATION
York County Bar Center
137 East Market St.
York, PA 17401
717-854-8755

HANDLER, HENNING & ROSENBERG, LLP

DATE: 6/2/2010

BY: 
Matthew S. Crosby, Esq.

AVISO

USTED HA SIDO DEMANDADO EN LA CORTE. Si usted desea defenderse de las quejas expuestas en las paginas siguientes, debe tomar accion dentro de veinte (20) dias a partir de la fecha en que recibio la demanda y el aviso. Usted debe presentar comparecencia escrita en persona o por abogado y presentar en la Corte por escrito sus defensas o sus objeciones a las demandas en su contra.

Se le avisa que si no se defiende, el caso puede proceder sin usted y la Corte puede decidir en su contra sin mas aviso o notificacion por cualquier dinero reclamado en la demanda o por cualquier otra queja o compensacion reclamados por el Demandante. **USTED PUEDE PERDER DINERO, O PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.**

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATEAMENTE. SI USTED NO TIENE O NO CONOCE UN ABOGADO, VAYA O LLAME A LA OFICINA EN LA DIRECCION ESCRITA ABAJO PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

LAWYER REFERRAL SERVICE, YORK COUNTY BAR ASSOCIATION
York County Bar Center
137 East Market St.
York, PA 17401
717-854-8755

HANDLER, HENNING & ROSENBERG, LLP

BY:


Matthew S. Crosby, Esq.

DATE: 6/2/2010

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Matthew S. Crosby, Esquire

I.D. # 69367

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Fax: (717) 233-3029

E-mail: crosby@hhrlaw.com

Attorneys for Plaintiffs

**ROMULO HERNANDEZ and
MARIA E. HERNANDEZ, his wife,
Plaintiffs**

v.

**JASON PERKINS,
NEW ENGLAND MOTOR
FREIGHT, INC., and CINDY
HERNANDEZ**

Defendants

**IN THE COURT OF COMMON PLEAS
YORK COUNTY, PENNSYLVANIA**

NO. 2010 - SU - 001214 - 01

CIVIL ACTION - LAW

COMPLAINT

AND NOW come the Plaintiffs, Romulo and Maria E. Hernandez, by and through their attorneys, **HANDLER, HENNING & ROSENBERG, LLP**, by Matthew S. Crosby, Esquire, and make the within Complaint against the Defendants, Jason Perkins, New England Motor Freight, Inc., and Cindy Hernandez, and aver as follows:

1. Plaintiff, Romulo Hernandez, is an adult individual currently residing at 108 Kings Arms at Waterford, York, York County, Pennsylvania.

2. Plaintiff, Maria E. Hernandez, is an adult individual currently residing at 108

Kings Arms at Waterford, York, York County, Pennsylvania.

3. Defendant, Cindy Hernandez, is an adult individual currently residing at 108 Kings Arms at Waterford, York, York County, Pennsylvania.

4. Defendant, Jason Perkins, is an adult individual currently residing at 8 Kyra Boulevard, New Bloomfield, Perry County, Pennsylvania.

5. Defendant, New England Motor Freight, Inc., is a corporation organized and existing under the laws of New Jersey and having its registered address at I-71 North Avenue East, Elizabeth, Union County, New Jersey.

6. Plaintiff believes, and therefore avers, that Defendant, New England Motor Freight, Inc., maintains a terminal in Pennsylvania and regularly conducts business within the Commonwealth of Pennsylvania.

7. At all times material hereto, Defendant, Jason Perkins, was an agent, servant, and/or employee of Defendant, New England Motor Freight, Inc., and was acting within the scope of said employment.

8. At all times material hereto, Defendant, Jason Perkins, was the operator of a tractor trailer owned by his employer, Defendant, New England Motor Freight, Inc., and bearing New Jersey registration number AK659N (hereinafter, "Defendant's truck").

9. At all times material hereto, Defendant, Cindy Hernandez, was the operator of a 2003 Mercury Mountaineer, owned by Plaintiff, Romulo Hernandez, and bearing Pennsylvania registration number DHE9962 (hereinafter, "Plaintiff's vehicle").

10. At all times material hereto, Plaintiffs, Romulo and Maria E. Hernandez, were passengers in Plaintiff's vehicle.

11. At all times material hereto, Plaintiffs, Romulo and Maria E. Hernandez, were

insured under an automobile insurance policy with State Farm Mutual Auto Insurance Company and covered under the full tort option.

12. At all times material hereto, there were no adverse weather or road conditions.

13. On or about March 21, 2008, at approximately 12:45 p.m., Plaintiff's vehicle was traveling southbound in the left lane on I-85 in Spartanburg, South Carolina, passing Defendant's truck.

14. At about the same time and place, Defendant, Jason Perkins, was traveling southbound in the right lane on I-85 in Spartanburg, South Carolina.

15. Suddenly and without warning, Defendant, Jason Perkins, began to enter the left lane of southbound I-85, causing a collision between the two vehicles.

16. In the alternative, suddenly and without warning, Defendant, Cindy Hernandez, began to enter the right lane of southbound I-85, causing a collision between the two vehicles:

17. As a direct and proximate result of the negligence of Defendants, Cindy Hernandez, Jason Perkins, and New England Motor Freight, Inc., Plaintiffs, Romulo and Maria E. Hernandez, sustained damages as set forth more specifically below.

COUNT I - NEGLIGENCE
Romulo Hernandez v. Cindy Hernandez

18. All prior paragraphs are incorporated herein as if set forth fully below.

19. The occurrence of the aforementioned collision and all the resultant injuries to Plaintiff, Romulo Hernandez, are the direct and proximate result of the negligence of Defendant, Cindy Hernandez, generally and more specifically, as set forth below:

- (a) In failing to exercise reasonable care in the operation of Plaintiff's vehicle for the safety of a guest passenger;
- (b) In failing to maintain proper and adequate observation of the traffic and road conditions then and there existing;
- (c) In operating Plaintiff's vehicle in careless disregard for the safety of persons or property;
- (d) In failing to be continuously alert and in failing to have Plaintiff's vehicle under such control that injury to persons or property could be avoided;
- (e) In disregarding the speed of vehicles, the condition of the highway, and the traffic upon the highway;
- (f) In failing to pass promptly and safely, while exercising proper caution, which the physical demand of lawful traffic on Interstate 85 demanded;
- (g) In failing to maintain proper and adequate observation of the existing traffic conditions while ascertaining if the changing of lanes could be completed safely;
- (h) In attempting to change lanes without properly observing the traffic in the adjacent lane;
- (i) In failing to keep a reasonable lookout for vehicles lawfully traveling in the right travel lane of Interstate 85;
- (j) In failing to activate her turn signal prior to attempting a lane change;
- (k) In failing to stay within the clearly marked land of travel;

- (l) In operating a motor vehicle at a speed in excess of the posted speed limit; and
- (m) In driving Plaintiff's vehicle upon the highway in a manner endangering persons and property and in a manner with careless disregard to the rights and safety of others.

20. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered serious injuries, including, but not limited to, injured to his left knee, neck, chest, head, wrist, and left hand, as well as permanent scarring.

21. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered lost wages and will in the future continue to suffer a loss of income.

22. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered physical pain, discomfort, and mental anguish, and he will continue to endure the same for an indefinite period of time in the future, to his physical, emotional, and financial detriment and loss.

23. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has been compelled, in order to effect a cure for the aforesaid injuries, to spend money for medicine and/or medical attention, and he will be required to spend money for the same purposes in the future, to his detriment and loss.

24. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered a loss of life's pleasures, and he will continue to suffer the same in the future, to his detriment and loss.

25. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has been, and will in the future be, hindered from attending to his daily duties, to his detriment, loss, humiliation, and embarrassment.

26. Plaintiff, Romulo Hernandez, believes and, therefore, avers that his injuries are permanent in nature and have resulted in a serious impairment of his bodily functions and permanent disfigurement.

27. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, sustained property damage to his vehicle that has required that Plaintiff, and/or will require Plaintiff in the future, to spend money for repairs and/or replacement.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, Cindy Hernandez, in an amount in excess of the compulsory arbitration limits of York County.

COUNT II - NEGLIGENCE
Romulo Hernandez v. Jason Perkins

28. All prior paragraphs are incorporated herein as if set forth fully below.

29. The occurrence of the aforementioned collision and the resultant injuries to Plaintiff, Romulo Hernandez, were caused directly and proximately by the negligence of Defendant, Jason Perkins, generally and more specifically as set forth below:

- (a) In failing to operate Defendant's truck under proper and adequate control so that he could have moved from one lane of traffic to another with reasonable safety;
- (b) In disregarding the speed of vehicles, the condition of the highway, and the traffic upon the highway;

- (c) In failing to maintain proper and adequate observation of the existing traffic conditions while ascertaining if the changing of lanes could be completed safely;
- (d) In driving in a careless manner by disregarding the safety of other drivers when switching lanes without observing the traffic in the adjacent lane;
- (e) In failing to keep a reasonable lookout for vehicles lawfully traveling in the left travel lane of Interstate 85;
- (f) In operating Defendant's vehicle at an excessive rate of speed under the circumstances;
- (g) In operating Defendant's vehicle while fatigued;
- (h) In operating Defendant's vehicle in excess of the hours allowed for operating such a vehicle under federal law;
- (i) In failing to activate his turn signal prior to attempting to switch lanes;
and
- (j) In failing to be continuously alert, in failing to perceive any warning of danger that was reasonably likely to exist, and in failing to have Defendant's truck under such control that injury to persons or property could be avoided.

30. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered serious injuries, including, but not limited to, injured to his left knee, neck, chest, head, wrist, and left hand, as well as permanent scarring.

31. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has suffered lost wages and will in the future continue to suffer a loss of income.

32. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has suffered physical pain, discomfort, and mental anguish, and he will continue to endure the same for an indefinite period of time in the future, to his physical, emotional, and financial detriment and loss.

33. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has been compelled, in order to effect a cure for the aforesaid injuries, to spend money for medicine and/or medical attention, and he will be required to spend money for the same purposes in the future, to his detriment and loss.

34. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has suffered a loss of life's pleasures, and he will continue to suffer the same in the future, to his detriment and loss.

35. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has been, and will in the future be, hindered from attending to his daily duties, to his detriment, loss, humiliation, and embarrassment.

36. Plaintiff, Romulo Hernandez, believes and, therefore, avers that his injuries are permanent in nature and have resulted in a serious impairment of his bodily functions and permanent disfigurement.

37. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, sustained property damage to his vehicle that has required that Plaintiff, and/or will require Plaintiff in the future, to spend money for repairs

and/or replacement.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, Jason Perkins, in an amount in excess of the compulsory arbitration limits of York County, exclusive of interest and costs.

COUNT III - RESPONDEAT SUPERIOR / NEGLIGENCE
Romulo Hernandez v. New England Motor Freight, Inc.

38. All prior paragraphs are incorporated herein as if set forth fully below.

39. At all times material to this action, Defendant, Jason Perkins, was an agent, servant, and/or employee of Defendant, New England Motor Freight, Inc.

40. The occurrence of the aforementioned collision and the resultant injuries to Plaintiff, Romulo Hernandez, are the direct and proximate result of the negligence and/or carelessness of Defendant, Jason Perkins.

41. The aforementioned negligent and/or careless conduct of Defendant, Jason Perkins, occurred while acting in, and upon, the business of Defendant, New England Motor Freight, Inc., and within the course and scope of his employment with said Defendant.

42. Defendant, New England Motor Freight, Inc., is vicariously liable for the acting of its employee, servant, and/or agent, Defendant, Jason Perkins.

43. Defendant, New England Motor Freight, Inc., was negligent in failing to supervise and/or train Defendant Perkins in the safe operation of tractor-trailer vehicles and/or allowing Defendant Perkins to operate Defendant's vehicle when it knew, or should have known, that he was in violation of hours allowed to be driven under federal law and/or in allowing Defendant Perkins to operate said vehicle while fatigued and/or in allowing

Defendant Perkins to operated said vehicle when it knew or should have known that he was a dangerous, careless, and/or irresponsible driver.

44. Paragraphs 28 through 37 of this Complaint are specifically incorporated herein by reference and made a part hereof, as if set forth in full.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, New England Motor Freight, Inc., in an amount in excess of the compulsory arbitration limits of York County, exclusive of interest and costs.

COUNT IV - LOSS OF CONSORTIUM
Maria E. Hernandez v. Cindy Hernandez

45. All prior paragraphs are incorporated herein as if set forth fully below.

46. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria E. Hernandez, were lawfully married.

47. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered a loss of consortium, society, and comfort from her husband, Romulo Hernandez, and she will continue to suffer a similar loss in the future.

48. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has been compelled, in order to effect a cure for her husband's injuries, to spend money for medicine and medical attention and will be required to spend money for the same purposes in the future, to her detriment and loss.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, Cindy Hernandez, in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

COUNT V - LOSS OF CONSORTIUM
Maria E. Hernandez v. Jason Perkins

49. All prior paragraphs are incorporated herein as if set forth fully below.

50. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria E. Hernandez, were lawfully married.

51. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Maria E. Hernandez, has suffered a loss of consortium, society, and comfort from her husband, Romulo Hernandez, and she will continue to suffer a similar loss in the future.

52. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Maria E. Hernandez, has been compelled, in order to effect a cure for her husband's injuries, to spend money for medicine and medical attention and will be required to spend money for the same purposes in the future, to her detriment and loss.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, Jason Perkins, in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

COUNT VI - LOSS OF CONSORTIUM
Maria E. Hernandez v. New England Motor Freight, Inc.

53. All prior paragraphs are incorporated herein as if set forth fully below.

54. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria E. Hernandez, were lawfully married.

55. As a direct and proximate result of the negligence of Defendant, New England Motor Freight, Inc., Plaintiff, Maria E. Hernandez, has suffered a loss of

consortium, society, and comfort from her husband, Romulo Hernandez, and she will continue to suffer a similar loss in the future.

56. As a direct and proximate result of the negligence of Defendant, New England Motor Freight, Inc., Plaintiff, Maria E. Hernandez, has been compelled, in order to effect a cure for her husband's injuries, to spend money for medicine and medical attention and will be required to spend money for the same purposes in the future, to her detriment and loss.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, New England Motor Freight, Inc., in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

COUNT VII - NEGLIGENCE
Maria E. Hernandez v. Cindy Hernandez

57. All prior paragraphs are incorporated herein as if set forth fully below.

58. The occurrence of the aforementioned collision and all the resultant injuries to Plaintiff, Maria E. Hernandez, are the direct and proximate result of the negligence of Defendant, Cindy Hernandez, generally and more specifically, as set forth below:

- (a) In failing to exercise reasonable care in the operation of Plaintiff's vehicle for the safety of a guest passenger;
- (b) In failing to maintain proper and adequate observation of the traffic and road conditions then and there existing;
- (c) In operating Plaintiff's vehicle in careless disregard for the safety of persons or property;
- (d) In failing to be continuously alert and in failing to have Plaintiff's

vehicle under such control that injury to persons or property could be avoided;

- (e) In disregarding the speed of vehicles, the condition of the highway, and the traffic upon the highway;
- (f) In failing to pass promptly and safely, while exercising proper caution, which the physical demand of lawful traffic on Interstate 85 demanded;
- (g) In failing to maintain proper and adequate observation of the existing traffic conditions while ascertaining if the changing of lanes could be completed safely;
- (h) In attempting to change lanes without properly observing the traffic in the adjacent lane;
- (i) In failing to keep a reasonable lookout for vehicles lawfully traveling in the right travel lane of Interstate 85;
- (j) In failing to activate her turn signal prior to attempting a lane change;
- (k) In failing to stay within the clearly marked land of travel;
- (l) In operating a motor vehicle at a speed in excess of the posted speed limit; and
- (m) In driving Plaintiff's vehicle upon the highway in a manner endangering persons and property and in a manner with careless disregard to the rights and safety of others.

59. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered injuries, including, but not limited

to, injuries to her neck and head.

60. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered physical pain, discomfort, and mental anguish, and she will continue to endure the same for an indefinite period of time in the future, to her physical, emotional, and financial detriment and loss.

61. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has been compelled, in order to effect a cure for the aforesaid injuries, to spend money for medicine and/or medical attention, and she will be required to spend money for the same purposes in the future, to her detriment and loss.

62. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered a loss of life's pleasures, and she will continue to suffer the same in the future, to her detriment and loss.

63. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has been, and will in the future be, hindered from attending to her daily duties, to her detriment and loss.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, Cindy Hernandez, in an amount in excess of the compulsory arbitration limits of York County.

COUNT VIII - NEGLIGENCE
Maria E. Hernandez v. Jason Perkins

64. All prior paragraphs are incorporated herein as if set forth fully below.

65. The occurrence of the aforementioned collision and the resultant injuries to Plaintiff, Maria E. Hernandez, were caused directly and proximately by the negligence of

Defendant, Jason Perkins, generally and more specifically as set forth below:

- (a) In failing to operate Defendant's truck under proper and adequate control so that he could have moved from one lane of traffic to another with reasonable safety;
- (b) In disregarding the speed of vehicles, the condition of the highway, and the traffic upon the highway;
- (c) In failing to maintain proper and adequate observation of the existing traffic conditions while ascertaining if the changing of lanes could be completed safely;
- (d) In driving in a careless manner by disregarding the safety of other drivers when switching lanes without observing the traffic in the adjacent lane;
- (e) In failing to keep a reasonable lookout for vehicles lawfully traveling in the left travel lane of Interstate 85;
- (f) In operating Defendant's vehicle at an excessive rate of speed under the circumstances;
- (g) In operating Defendant's vehicle while fatigued;
- (h) In operating Defendant's vehicle in excess of the hours allowed for operating such a vehicle under federal law;
- (i) In failing to activate his turn signal prior to attempting to switch lanes;
and
- (j) In failing to be continuously alert, in failing to perceive any warning of danger that was reasonably likely to exist, and in failing to have

Defendant's truck under such control that injury to persons or property could be avoided.

66. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Maria E. Hernandez, has suffered injuries, including, but not limited to, injuries to her neck and head.

67. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered physical pain, discomfort, and mental anguish, and she will continue to endure the same for an indefinite period of time in the future, to her physical, emotional, and financial detriment and loss.

68. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has been compelled, in order to effect a cure for the aforesaid injuries, to spend money for medicine and/or medical attention, and she will be required to spend money for the same purposes in the future, to her detriment and loss.

69. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has suffered a loss of life's pleasures, and she will continue to suffer the same in the future, to her detriment and loss.

70. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Maria E. Hernandez, has been, and will in the future be, hindered from attending to her daily duties, to her detriment, loss, humiliation, and embarrassment.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, Jason Perkins, in an amount in excess of the compulsory arbitration limits of York County, exclusive of interest and costs.

COUNT IX - RESPONDEAT SUPERIOR / NEGLIGENCE
Maria E. Hernandez v. New England Motor Freight, Inc.

71. All prior paragraphs are incorporated herein as if set forth fully below.

72. At all times material to this action, Defendant, Jason Perkins, was an agent, servant, and/or employee of Defendant, New England Motor Freight, Inc.

73. The occurrence of the aforementioned collision and the resultant injuries to Plaintiff, Maria E. Hernandez, are the direct and proximate result of the negligence and/or carelessness of Defendant, Jason Perkins.

74. The aforementioned negligent and/or careless conduct of Defendant, Jason Perkins, occurred while acting in, and upon, the business of Defendant, New England Motor Freight, Inc., and within the course and scope of his employment with said Defendant.

75. Defendant, New England Motor Freight, Inc., is vicariously liable for the acting of its employee, servant, and/or agent, Defendant, Jason Perkins.

76. Defendant, New England Motor Freight, Inc., was negligent in failing to supervise and/or train Defendant Perkins in the safe operation of tractor-trailer vehicles and/or allowing Defendant Perkins to operate Defendant's vehicle when it knew, or should have known, that he was in violation of hours allowed to be driven under federal law and/or in allowing Defendant Perkins to operate said vehicle while fatigued and/or in allowing Defendant Perkins to operate said vehicle when it knew or should have known that he was a dangerous, careless, and/or irresponsible driver.

77. Paragraphs 64 through 70 of this Complaint are specifically incorporated herein by reference and made a part hereof, as if set forth in full.

WHEREFORE, Plaintiff, Maria E. Hernandez, seeks damages from Defendant, New England Motor Freight, Inc., in an amount in excess of the compulsory arbitration limits of York County, exclusive of interest and costs.

COUNT X - LOSS OF CONSORTIUM
Romulo Hernandez v. Cindy Hernandez

78. All prior paragraphs are incorporated herein as if set forth fully below.

79. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria E. Hernandez, were lawfully married.

80. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has suffered a loss of consortium, society, and comfort from his wife, Maria E. Hernandez, and he will continue to suffer a similar loss in the future.

81. As a direct and proximate result of the negligence of Defendant, Cindy Hernandez, Plaintiff, Romulo Hernandez, has been compelled, in order to effect a cure for his wife's injuries, to spend money for medicine and medical attention and will be required to spend money for the same purposes in the future, to his detriment and loss.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, Cindy Hernandez, in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

COUNT XI - LOSS OF CONSORTIUM
Romulo Hernandez v. Jason Perkins

82. All prior paragraphs are incorporated herein as if set forth fully below.

83. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria

E. Hernandez, were lawfully married.

84. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, suffered a loss of consortium, society, and comfort from his wife, Maria E. Hernandez, and he will continue to suffer a similar loss in the future.

85. As a direct and proximate result of the negligence of Defendant, Jason Perkins, Plaintiff, Romulo Hernandez, has been compelled, in order to effect a cure for his wife's injuries, to spend money for medicine and medical attention and will be required to spend money for the same purposes in the future, to his detriment and loss.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, Jason Perkins, in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

COUNT XII - LOSS OF CONSORTIUM
Romulo Hernandez v. New England Motor Freight, Inc.

86. All prior paragraphs are incorporated herein as if set forth fully below.

87. At all times material to this action, Plaintiffs, Romulo Hernandez and Maria E. Hernandez, were lawfully married.

88. As a direct and proximate result of the negligence of Defendant, New England Motor Freight, Inc., Plaintiff, Romulo Hernandez, has suffered a loss of consortium, society, and comfort from his wife, Maria E. Hernandez, and he will continue to suffer a similar loss in the future.

89. As a direct and proximate result of the negligence of Defendant, New England Motor Freight, Inc., Plaintiff, Romulo Hernandez, has been compelled, in order to effect a cure for his wife's injuries, to spend money for medicine and medical attention and

will be required to spend money for the same purposes in the future, to his detriment and loss.

WHEREFORE, Plaintiff, Romulo Hernandez, seeks damages from Defendant, New England Motor Freight, Inc., in an amount in excess of the compulsory arbitration limits of York County exclusive of interest and costs.

Respectfully submitted,

HANDLER, HENNING & ROSENBERG, LLP

Date: 6/2/2010

By: 

Matthew S. Crosby, Esquire

I.D. # 69367

1300 Linglestown Road, Suite 2

Harrisburg, PA 17110

Attorneys for Plaintiffs

VERIFICATION
PURSUANT TO Pa. R.C.P. No. 1024(c)

MATTHEW S. CROSBY, ESQ. states that he is the attorney for the party(ies) filing the foregoing document; that he makes this Complaint as an attorney and verifies that it is correct and accurate to the best of his knowledge, information and belief and that this statement is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.



MATTHEW S. CROSBY, ESQ.

DATE: 6/2/2010

Matthew S. Crosby, Esquire

I.D. # 69367

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Attorneys for Plaintiffs

**ROMULO HERNANDEZ and
MARIA E. HERNANDEZ, his wife,
Plaintiffs**

v.

**JASON PERKINS,
NEW ENGLAND MOTOR
FREIGHT, INC., and CINDY
HERNANDEZ**

Defendants

**IN THE COURT OF COMMON PLEAS
YORK COUNTY, PENNSYLVANIA**

NO. 2010 - SU - 001214 - 01

CIVIL ACTION - LAW

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Plaintiffs' First Sets of Interrogatories Directed to Defendants and the Plaintiffs' Requests for Production of Documents Directed to Defendants were served on the following Defendants by sending a copy of the same to the Defendants' counsel of record:

Kevin Canavan, Esq.

Swartz, Campbell LLC

50 South 16th St.

28th Floor

Philadelphia, PA 19102

(counsel for Defendants, New England Motor Freight, Inc. and Jason J. Perkins)

George H. Eager, Esq.

EAGER, SPINELLO, QUINN & STENGEL

1347 Fruitville Pike

Lancaster, PA 17601

(counsel for Defendant, Cindy Hernandez)

all by United States first-class mail in Harrisburg, Pennsylvania on June 2, 2010.

HANDLER, HENNING & ROSENBERG, LLP

By _____

Matthew S. Crosby, Esq.

Attorneys for Plaintiffs

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YORK, PA

EXHIBIT C

ROMULO HERNANDEZ
and MARIA E. HERNANDEZ

Plaintiffs

v.

JASON JOSEPH PERKINS,
NEW ENGLAD MOTOR FREIGHT, INC.
and CINDY HERNANDEZ

Defendants

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COURT OF COMMON PLEAS
OF YORK COUNTY, PA

No. 2010-SU-001214-01

MEMORANDUM OF SETTLEMENT


After mediation held this 21st day of May, 2019 before Judge Thomas A. Wallitsch, the parties have agreed to a full and final settlement of the within matter as follows:

1. Plaintiffs will accept and Defendants will pay the sum of \$130,000.00.
2. Plaintiffs will sign a general release satisfactory to all parties.
3. Payment shall be made to Plaintiffs within thirty days after delivery of said signed release and approval of the Bankruptcy Court.


By:


Romulo Hernandez

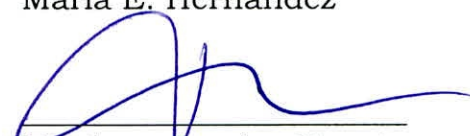
By:


Kevin Canavan, Esquire
-on behalf of Defendants

By:


Maria E. Hernandez

By:


Matthew Crosby, Esquire